



STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

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March 28, 2003

TO: Joe Lehman, Secretary
Department of Corrections

FROM: Marty Brown, Director

SUBJECT: Department of Corrections Report Incident #02-02 Does Not Merit Review

Pursuant to RCW 43.41.370 and the Guidelines For Reporting Incidents to the Office of Financial Management (OFM), the Department of Corrections (DOC) submitted an Incident Report to OFM. The Report notifies OFM that on June 22, 2002, Bellevue Police Officer, Richard Herzog was killed in a struggle with Ronald Matthews. Matthews was on DOC supervision at the time of the incident. Law enforcement, the Department of Labor and Industries (L&I) and DOC were all investigating various aspects of this incident.

Matthews was released from prison on June 11, 2002. Notification pursuant to statute and DOC policy was made to local law enforcement agencies. There is no dispute that timely notice was received. On June 22nd, the Deputy was attempting to subdue Matthews who was apparently under the influence of drugs. During the struggle, Matthews was able to take the Deputy's gun from his holster and shoot the Deputy.

RCW 43.41.370(1) requires the Director of OFM to appoint a loss prevention review team when the death of a person, serious injury to a person, or other substantial loss is alleged or suspected to be caused at least in part by the actions of a state agency unless the Director, in his or her discretion, determines that the incident "does not merit review". Applying the criteria for loss prevention reviews, issued November 18, 2002, I have determined that the incident you reported does not merit review. This incident did result in a death, however it does not significantly relate to agency systems or practices. Although there is a risk of future occurrences of violent acts by persons under supervision, the risk of a similar incident is remote. Both internal and external reviews were conducted such that a further review would not add value at this time. For example, one focus was the ability to take the weapon from the Deputy's holster, which has been reviewed by L&I and the sheriff's office. Therefore, no further review is warranted.

This decision will be posted on the OFM website. If you have any questions about the criteria or its application to this incident, please contact either Roselyn Marcus at (360) 902-7396 or Gary Robinson at (360) 902-0528.

cc: Kathy Gastreich, Risk Management & Safety Administrator, DOC
Roselyn Marcus, Loss Prevention Review Team Manager